

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

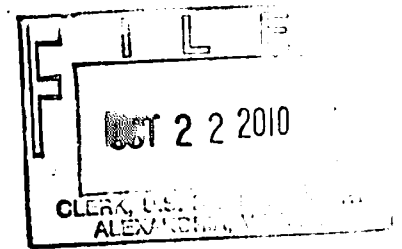
v.

SAMEER NANDA,

Defendant.

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Criminal No. 1:10MJ719



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jenny M. Cutalo-Patterson, a Special Agent with the Federal Bureau of Investigation (FBI), Washington Field Division, Washington, D.C., being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since October of 2005 and am currently assigned to the Washington Field Office, Northern Virginia Resident Agency. Since joining the FBI, I have investigated violations of federal law involving counterintelligence matters and currently investigate federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training and work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of a criminal complaint for Sameer Nanda, a resident of Fairfax County, Virginia, which is in the Eastern District of Virginia. The information presented in support of this affidavit is based upon my investigation and the

investigation of other law enforcement officers. Because this affidavit is being made for the limited purpose of supporting a criminal complaint, not each and every fact known to Your Affiant has been included.

STATUTORY AUTHORITY

4. This investigation concerns alleged violations of Title 18, United States Code, Sections 2422(b) and 2423(b), relating to the coercion, enticement and travel to engage in illegal sexual activity with a minor.

- a. Title 18, United States Code, Section 2422(b) prohibits an individual from the use of mail or any means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, to knowingly persuade, induce, entice, or coerce a minor to engage or attempt to engage in prostitution or any illegal sexual activity.
- b. Title 18, United States Code, Section 2423(b) prohibits a person from traveling in interstate commerce or in foreign commerce for the purpose of engaging in any illicit sexual conduct with another person.

INVESTIGATION AND ARREST OF DEFENDANT

5. On September 29, 2010, your affiant logged onto the internet in an undercover capacity and accessed a Yahoo! chat room. I said "hi" to the entire chat room and an individual using the screen name "sam504u" replied. At this point I clicked on his name to begin a private chat, in a new chat window, outside of the main chat room.

6. "Sam504u" immediately asked for my gender, and I said I was a "girl." He then asked for my age, to which I responded, "13, is that ok." "Sam504u" responded, "sure." Soon thereafter, "sam504u" began asking me to provide him with pictures of myself; however, I did

not provide him with any pictures at that time.

7. Within the first fifteen minutes of chatting, "sam504u" began to ask questions that were sexual in nature. Specifically, "sam504u" asked, "r u a grown gal yet?", "r u a virgin," "when do u feel like loosing it?" and "do u masturbate sometimes?", among other questions of a sexual nature. Approximately 20 minutes into the chat session, "sam504u" began instructing me how to masturbate and perform oral sex. For example, "sam504u" stated, "put in a hand inside ur panties for me plz", and "try and find the hairs a little ... and moan once in a while", then asked me to "imagine I'm front of u and my penis is hard like rock." "Sam504u" offered these, and other, sexual instructions during our chat session, for approximately one hour.

8. During the September 29, 2010 chat session, "sam504u" also attempted to contact me via webcam and telephone; however, I stated neither was possible. "Sam504u" also asked if I had a "networking site," specifically, "facebook/orkut/twitter", and I responded that I did not.

9. After approximately 80 minutes of chatting, "sam504u" stated, "I wanna see you sometime?" and "wanna see ur body someday can you make that happen." "Sam504u" further stated "I might be jailed if I look for an underage gal", and proceeded to attempt to arrange a meeting with me. I asked "sam504u" for a picture of himself, but he stated that he did not have one because he was at work.

10. I added "sam504u" to my contact list in Yahoo! Messenger and he added me to his contact list as well. During the chat session, I stated on three occasions that I was thirteen. At no point during this chat session did "sam504u" raise any questions about the veracity of my statements regarding my age. "Sam504u" also indicated that he was a project manager and worked in an office building.

11. After reviewing the Yahoo! profile page for "sam504u", I observed that the information section has his full name listed as "Sameer Nanda", display name as "Sameer", the gender as Male, and location as VA. The profile section also has "Sameer Nanda" and "(Sameer) 30-Male-VA" listed. Based upon my training and experience, I know that the Yahoo! profile page for a screen name is filled out by the user when his or her email/screen name is created. "Sam504u" identified himself as "Sam" after adding me to his contact list.

12. On October 4, 2010, I logged into Yahoo! Messenger, and as soon as I made myself "visible" to all my contacts, I received a message from "sam504u" saying, "hi sweety", and when asked, "what's going on" replied, "not much, at work." "Sam504u" then asked, "have you spoken to anyone about us yet?". I indicated that I had not, and "sam504u" responded, "we should not be telling anyone this secret." "Sam504u" again began a discussion that was sexual in nature, for example stating, "I was so excited, and you giving me that blow job was fantastic::-**" as well as, "you really made me cum that day." "Sam504u" then stated, "I was thinking, maybe I can pick u from some nearby place (near ur home) and maybe we can go to some secluded parking spot in some big mall, and just have fun in the car", "shall i get some condoms just in case?" and "u think we can fuck easily in there". "Sam504u" also asked "and ur excited to do this," as well as "and ur fine with me been 31 yr old and u just 13?". "Sam504u" provided via Yahoo! chat two pictures that he claimed were of himself. During this chat session, "sam504u" noted, at one point that he was chatting through Yahoo! mail and that was why he was missing some of my messages. At the end of this chat session, at approximately 4:40 p.m., "sam504u" stated that he had to go and leave work.

13. On October 5, 2010, after I logged into the Yahoo! Messenger, I immediately received a message from "sam504u" indicating that he had been waiting for me. I began to tell

"sam504u" about my family situation, which involved me being left home alone on a Friday. "Sam504u" then stated, "hmmm I have a plan" and "I am work very close to dc." Nanda then asked, "shall we meet up during the day sometime on Friday?". The conversation again turned sexual in nature, at "sam504u"'s direction. I asked "sam504u" if he had ever done this (indicating sex) before with someone like me. "Sam504u" stated "oh yah, totally, its cool" and that it would be memorable for me. I then asked "sam504u" to bring me a teddy bear. Shortly after 4:15 p.m., "sam504u" stated he had to leave to take his car to the mechanic.

14. On October 6, 2010, I again logged onto Yahoo! Messenger and chatted with "sam504u". "Sam504u" mentioned, "hey why don't you ask Mom to stay at your dads next Friday then Oct 15th, we can meet then" as well as, "actually to be frank your thoughts kept me awake ;)". "Sam504u" then proceeded to instruct me where I could download music and how to hide files. Afterwards, "sam504u" stated, "so you owe me a present for this ;)". After I asked him what the present would be, "sam504u" replied, "can you give me a blow job :-*". "sam504u" also stated that he was a "computer geek." Just prior to 5:00 p.m., "sam504u" indicated he had to leave.

15. On October 12, 2010, I logged onto Yahoo! Messenger and again chatted with "sam504u". On that date I emailed Nanda an electronically enhanced (morphed) image of a young girl, designed to appear approximately 12 years old. After I delivered the image to him, "sam504u" stated, "you look beautiful" and requested more pictures. "Sam504u" did not make any statements questioning the picture's authenticity. "Sam504u" later asked, "can we meet for a short while anytime this week?". "Sam504u" also stated, "cant wait to meet you now :)" and "and now that I have seen ur picture, my excitement just cant stop". "Sam504u" suggested that we meet in his car to "do some naughty things." When asked to specify the nature of those

“naughty things”, “sam504u” replied, “just kissing, and touching, and if get a chance fingering or blow job maybe.” Shortly after 5:00 p.m., “sam504u” indicated that he had to leave.

16. On October 13, 2010, I logged onto Yahoo! Messenger and chatted with “sam504u”. “Sam504u” stated, “actually I have been seeing ur picture more than 20 times since yesterday” and asked, “are we meeting anytime tomorrow?”. Shortly after, “sam504u” stated that he had a meeting to go to.

17. On October 15, 2010, I logged into Yahoo! Messenger and again chatted with “sam504u”. “Sam504u” asked if I read the email he had sent me, to which I replied I had not. In reference to the email, “sam504u” stated, “I was gonna ask if i shall come to meet u”, which I confirmed this by reading the email. He then stated, “i wanted to get there by 4, so we could have spend may be an hour together before mom gets home.” I told “sam504u” that I would be at my Dad’s house on Friday, after which he commented, “i was planning I can come to u around 11:00 and be there till late lunch.” After I reminded “sam504u” to bring my present, the teddy bear, “sam504u” further stated, “I will get some condoms and I have a toy for gals to play with.” “Sam504u” also asked, “so about this Sunday, can you get out for a while?” I indicated that I would have to ask my mom and “sam504u” stated, “yah, so just tell her you wanna go visit one of ur friends for a couple of hrs.” “Sam504u” indicated that we could go to a movie theatre “not to watch the movie but you know what i mean ;)”. When I asked “sam504u” what he meant, he replied, “kissing, touching, fingering...heheh”. “Sam504u” indicated that he is “getting wet in my pants” and asked, “you wanna touch me?” “Sam504u” asked me to describe how it feels and then asked, “have you ever seen a cock before?” Towards the end of the conversation, I asked “sam504u” if he was leaving work, and he responded that he was.

18. On October 18, 2010, I logged onto Yahoo! Messenger and again chatted with "sam504u." "Sam504u" indicated that he was driving back from Baltimore while he chatted on his phone. "Sam504u" then asked, "Ready for the good Friday," to which I replied all was set with my dad. "Sam504u" asked me to send him the address of Friday's meeting location to his Gmail account, "sam504u@gmail.com", after which I provided an address in Washington, D.C.

19. On October 20, 2010, I logged onto Yahoo! Messenger and again chatted with "sam504u." An FBI agent observed Nanda's vehicle parked in the garage underneath 4401 Ford Avenue, Suite 1150, Alexandria, Virginia (the "Nanda's Office") from 4:28 p.m. through 5:32 p.m., approximately the same time frame during which I chatted online with Nanda in my undercover capacity. Ten minutes after Nanda informed me that he was leaving work and our chat concluded, an FBI agent observed Nanda departing the garage in his vehicle.

20. On October 21, 2010, I logged onto Yahoo! Messenger and again chatted with "sam504u." During this chat, "sam504u" asked me to pack a "micro mini" for our meeting on Friday. "Sam504U" stated that he is "almost prepared for tomorrow with everything I need to bring," and noted that he would bring a vegetarian sub from subway for me to eat for lunch.

21. Based on public records searches, information provided in the chat sessions and open source information, including Nanda's publically-available LinkedIn page, Sameer Nanda works in the field of computers at Seaworthy Systems, Inc. D.C. Office, 4401 Ford Avenue, Suite 1150, Alexandria, Virginia. Based upon my training and experience, LinkedIn users provide the website with their biographical data after they sign up with the website.

22. According to the Virginia Department of Motor Vehicles (DMV), Nanda resides at 9034 Rosewall Court, Springfield, Virginia 22152. On the morning of October 8, 2010, I observed Nanda depart his residence and enter a Silver Acura with Virginia license plate

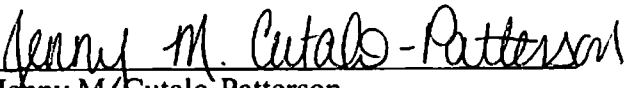
KMF8942, which was parked in a spot labeled with the number “9034” in front of Nanda’s residence. According to information provided by the Virginia Department of Motor Vehicles, the vehicle is registered to Nanda. The photograph of Nanda provided by the DMV resembled the two purported self-photographs that Nanda emailed me during our October 4, 2010 Yahoo! chat session. I observed Nanda depart his residence, and followed him to a parking garage underneath the building where Nanda’s Business is located.

23. On October 22, 2010, at approximately 10:00 a.m., Nanda travelled from his Business in Alexandria, arriving at the pre-arranged meeting location, 2131 Tenth Street, NW, Washington, D.C., at approximately 11:00 a.m. FBI agents followed Nanda’s vehicle throughout his travel from Alexandria to Washington, D.C. Nanda was apprehended by FBI and local law enforcement agents after leaving his vehicle and approaching the meet location on foot. Nanda was carrying with him, among other items, the following: a teddy bear, condoms, several maxipads, a vibrator with extra batteries, KY jelly lubricant, candybars, two Subway sandwiches, and two drinks.


CONCLUSION

24. Based on the above information, there is probable cause to believe that Sameer Nanda violated Title 18, United States Code, Sections 2422(b) and 2423(b), which make it a federal crime for any person to engage in coercion, enticement, or travel to engage in illegal sexual activity with a minor.

Respectfully submitted,


Jenny M. Cutalo-Patterson
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 22nd day of October, 2010.


/s/
Theresa Carroll Buchanan
United States Magistrate Judge

The Honorable Theresa C. Buchanan
United States Magistrate Judge